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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,227	08/23/2001	Joseph Lenner	01AB082	1691

7590 07/19/2006
William R. Walbrun
Rockwell Automation (Allen-Bradley Co., Inc.)
1201 South Second Street
Milwaukee, WI 53204

EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,227

Applicant(s)

LENNER, JOSEPH

Examiner

Jamara A. Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment is made of the amendment filed on 4/24/06. Claims 1-34 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Joao (US 6,549,130).

Joao teaches a computer readable medium that stores computer executable components of a system that electronically controls a physical operation of dangerous equipment comprising:

an electronic key (arming device 15) that stores electronic key data separately from the dangerous equipment, the electronic key data comprises at least one of key holder identity information, key holder task (command code), and estimated time to complete the key holder task (col. 42, lines 55-59 and col. 43, lines 7-13);

an electronic key reader that reads the electronic key data from the electronic key (col. 42, lines 55-59);

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an electronic key data analyzer (CPU 4) that is associated with the electronic key reader, the electronic key data analyzer analyzes the read electronic key data and generates a disconnect control data based, at least in part, on the electronic key data (col. 43, lines 31-48);

a disconnecter (apparatus 1) that is associated with the electronic key data analyzer and the dangerous equipment, the disconnecter disables and re-enables operation of the dangerous equipment, based at least in part on the disconnect control data (see abstract and col. 43, lines 36-48);

the system wherein the electronic key reader obtains the electronic key data via at least one of reading a magnetic strip on an electronic key inserted in the electronic key reader, receiving a radio frequency signal from an electronic key in transmission range of the electronic key reader and reading digital data from an integrated circuit memory chip on an electronic key (col. 42, line 53-col. 43, line 3);

the system wherein the disconnecter controls the flow of at least one of electricity, air, water and hydraulic fluid to the dangerous equipment;

the system further comprising a computer network, the computer network is coupled to one or more electronic key readers, one or more electronic key data analyzers, one or more disconnectors and one or more pieces of dangerous equipment, the computer network conveys a signal between one or more of the electronic key readers, the electronic key data analyzers, the disconnectors and the dangerous equipment;

the system wherein the signal comprises at least one of electronic key data, electronic key data analysis data, equipment data and disconnect control data;

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the system wherein the electronic key reader further performs at least one of logging electronic data, logging times when the operation of the piece of dangerous equipment is enabled, logging electronic key holder medical information, logging electronic key holder tasks, logging electronic key holder identity, scheduling dangerous equipment operation, scheduling related operation and performing electronic data interchange; and

the system wherein the electronic key data comprises at least one of key identifying information, key holder identity information, key holder medical information, key holder equipment access permissions, key holder equipment qualifications, key holder supervisor contact information, key holder security information and key holder task.

Response to Arguments

3. Applicant's arguments filed 4/24/06 have been fully considered but they are not persuasive.

The examiner submits that the Joao invention still reads upon the claims as amended. The electronic key data as contained within the arming device 15 of the Joao invention is indeed located separately from the dangerous equipment. Col. 42, lines 55-66, disclose various different possible embodiments of the arming device 15. The various embodiments include electronic medium readers (stripe card readers, proximity card readers, optical card readers, etc) which are separate from the dangerous equipment.

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Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

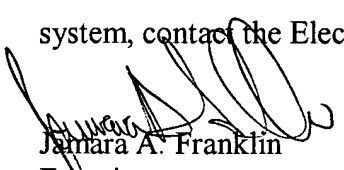
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamar A. Franklin
Examiner
Art Unit 2876

JAF
July 10, 2006



JARED J. FURMAN
PRIMARY EXAMINER